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## 6 | Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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## 11 BAY AREA PAINTERS AND TAPERS PENSION TRUST FUND, et al.

12 || Plaintiffs

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14 J.F. McCRAY PLASTERING, INC., a  
15 California Corporation

16 Defendant.

Case No.: C14-0604 SI

**PLAINTIFFS' REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

Date: January 23, 2015

Time: 2:30 p.m.

Dept.: Courtroom 10, 19th Floor, San Francisco, CA

Judge: Honorable Susan Illston

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18 Plaintiffs herein respectfully request that the Case Management Conference, currently on  
19 calendar for January 23, 2015 be continued for approximately sixty (60) days. Good cause exists  
20 for the continuance, as follows:

21       1.       As the Court's records will reflect, this action was filed on February 7, 2014 to  
22 collect unpaid contributions and related amounts owed to Plaintiffs for work performed by  
23 Defendant's employees.

24        2.      Defendant was served with the Complaint on March 12, 2014, and a Proof of  
25 Service of Summons was filed with the Court on March 31, 2014. Defendant failed to plead or  
26 otherwise respond to the lawsuit, and the Clerk entered Defendant's default on April 7, 2014.

27       3. Plaintiffs have made several attempts to resolve this matter informally with  
28 Defendant. However, Defendant has failed to respond and appears to have ceased operations.

4. Plaintiffs recovered payment for some of Defendant's delinquent contributions  
2 directly from general contractors Defendant worked for during the relevant time period, and made  
3 a claim on Defendant's Wage and Fringe Benefit Responsibility Bond.

4 5. The Court continued the previously scheduled Case Management Conference to  
5 allow time for Plaintiffs to attempt to resolve this matter informally by collecting payments from  
6 either the general contractors and/or the surety.

7 6. Since then, no additional amounts were recovered from general contractors.

8 However, Plaintiffs are currently negotiating a settlement with the surety.

9       7.       There are no issues that need to be addressed by the parties at the currently  
10      scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's  
11      time and resources, Plaintiffs respectfully request that the Case Management Conference be  
12      continued for approximately sixty (60) days to allow sufficient time for Plaintiffs to continue their  
13      attempts to resolve this matter informally.

14 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
15 entitled action, and that the foregoing is true of my own knowledge.

16 Executed this 16<sup>th</sup> day of January 2015, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

By: \_\_\_\_\_ /S/  
Shivani Nanda  
Attorney for Plaintiffs

20 | IT IS SO ORDERED.

21 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management  
22 Conference is hereby continued to 3/20/15, at 3 pm. All related deadlines are extended  
23 accordingly

**24** Date: 1/20/15

Susan Illston  
UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San  
4 Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San  
5 Francisco, California 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. On **January 16, 2015**, I served the following document(s):

8 **PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;  
9 [PROPOSED] ORDER THEREON**

10 on the interested parties in said action by enclosing a true and exact copy of each document in a  
11 sealed envelope and placing the envelope for collection and First Class mailing following our  
12 ordinary business practices. I am readily familiar with this business' practice for collecting and  
13 processing correspondence for mailing. On the same day that correspondence is placed for  
14 collection and mailing, it is deposited in the ordinary course of business with the United States  
15 Postal Service in a sealed envelope with postage fully prepaid.

16 4. The envelopes were addressed and mailed as follows:

17 **J.F. McCray Plastering, Inc.  
18 2590 South River Road  
19 West Sacramento, CA 95691**

20 I declare under penalty of perjury that the foregoing is true and correct and that this  
21 declaration was executed on **January 16, 2015**, at San Francisco, California.

22 \_\_\_\_\_/S/  
23 Elise Cotterill  
24 Paralegal  
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